

Appl. No. 10/789,697

Amdt. Dated 8/8/2005

Response to Office action dated 07/25/2005

REMARKS

Claims 1-4, 7-11, 16, 17 and 19-22 have been amended. No claims have been canceled. No new claims have been added. Claims 1-22 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Information Disclosure Statement

The Examiner did not consider two references submitted in an Information Disclosure Statement (IDS) filed on 7/12/2004. Attached herewith is a new IDS including the dates of the cited references. Copies of the references have not been provided herewith as they were provided on 7/12/2004. Pursuant to 37 CFR 1.97(c), the IDS is hereby provided before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application. As such, this IDS is accompanied the fee set forth in 37 CFR 1.17(p) which is included herewith via the enclosed credit card payment form.

Abstract

The Examiner objected to the Abstract because the word "comprise" was used. The Abstract has been amended as set forth above in response to the Examiner's objection. As such, this objection has been overcome and should be withdrawn.

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Claim Objections

The Examiner objected to claims 1, 4, 11, 16, 17, and 19-22. The Examiner prefers that semicolons be included on each line of the claims. Although this is not a claim requirement in either the MPEP or Patent Rules of the CFR, we have made the requested amendments. Although the Examiner has requested that we add the word "and" to certain claims, we have elected not to do so. Adding the word "and" may allow others to assert that the claim should be interpreted as closed ended and not open ended. Therefore, so as not to unduly limit the claims, the term "and" has not been added.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 1, 8 and 14 under 35 USC § 103(a) as obvious in view of Collins (USP 6,031,847) and Kim (US 2003/0219040). This rejection is respectfully traversed.

Claims 1 and 8 have been amended. Claim 1 as amended recites a "test pattern." Claim 8 as amended recites a "transmitter circuit," a "receiver circuit," and "test pattern."

As to claim 1, the cited art fails to teach or suggest "a deskew card to prepare deskew information according to the test pattern and independent of the lane cards according to the physical layer communications standard." As such, the cited combination of references fail to teach all of the limitations of claim 1 and all claims dependent thereon. Therefore, claims 1-7 are patentable over the cited combination of references.

As to claim 8, the cited art fails to teach or suggest "a deskew card to prepare outgoing deskew information for outgoing data independent of the lane cards according to the test pattern and according to the physical layer communications standard, and to evaluate incoming deskew information included with received incoming data independent of the lane cards according to the physical layer communications standard." As such, the cited combination of references fail to teach all of the limitations of claim 8 and all claims dependent thereon, including claim 14. Therefore, claims 8-15 are patentable over the cited combination of references.

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The amendments to claim 1 and 8 were selected from claims 16, 19, 21 and 22. Because the limitations added to claims 1 and 8 were already included in claims 16, 19, 21 and 22, the amendments to claims 1 and 8 do not necessitate a new search.

In addition, regarding claims 2-6 and 9-13, the Office Action asserts that Goyal teaches test patterns. However, there is no teaching or suggestion in Goyal of test patterns. The Office Action asserts that Fig. 6 of Goyal teaches test patterns. However, nowhere is the term "test pattern" used or is "generating test patterns" taught or suggested in Fig. 6. The portion of the specification of Goyal describing Fig. 6 (Goyal, para. [0029]) also fails to teach or suggest "test patterns", "generating test patterns" or "generating test data based on the test patterns" as recited in claims 2, 3, 9 and 10. Goyal merely states that "the payload of high-speed frames (e.g., SFI-5) can be programmed into ParaBERT 605, using for example, a data file that can result in the production of a 40G frame." This in no way teaches or suggests "test patterns", "generating test patterns" or "generating test data based on the test patterns" recited in claims 2, 3, 9 and 10. The reference to and use of a "data file" in para. [0029] of Goyal shows that Goyal teaches away from the "test patterns", "generating test patterns" or "generating test data based on the test patterns" as recited in claims 2, 3, 9 and 10. That is, loading a data file as taught by Goyal shows that Goyal does not teach or suggest the "test patterns", "generating test patterns" or "generating test data based on the test patterns" recited in claims 2, 3, 9 and 10. The distinction is that Goyal loads or inputs data files whereas the claims recite "generating test patterns" or "generating test data based on the test patterns" as recited in claims 3, 9 and 10. As such, the cited combination of references fail to teach all of the limitations of claims 2-6 and 9-13. Therefore, in addition to the reasons for patentability by virtue of their ultimate dependency on claims 1 and 8, claims 2-6 and 9-13 are patentable over the cited combination of references.

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Allowable Subject Matter

We appreciate the allowance of claims 16-22. The stated informalities have been cured and some additional amendments have been made. As such, claims 16-22 remain in condition for allowance.

Conclusion

It is submitted that the claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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